

**Minutes of the City of Frederick  
Mayor and Board of Aldermen Regular Meeting**

February 1, 2018  
7:00 p.m.  
City Hall

- I. Mayor Michael O'Connor presided. Present were Aldermen Kelly Russell, Derek Shackelford, Roger Wilson and Ben MacShane and Alderwoman Donna Kuzemchak. Also present were City Attorney Sandra Nickols and Legislative Clerk Phyllis Hane.
- II. The Mayor led the Pledge of Allegiance.
- III. The invocation was provided by Minister Ivy Coleman, The Message Ministry International.
- IV. There were no presentations.
- V. The minutes of the January 4, 2018 Mayor and Board of Aldermen Regular Public Meeting were previously distributed. On a motion made by Alderman Wilson and seconded by Alderwoman Kuzemchak the Board approved the minutes 5-0.
- VI. There were no closed meetings to report.
- VII. The Mayor announced recent promotions at the Frederick Police Department and offered congratulations to Lieutenant Jon Holler, Sergeant Steve Petruzzello and Corporal Jon Schultz. The Mayor also announced the Produce in a SNAP program would begin operating at Lucas Village. The program operates under the umbrella of Baltimore based Hungry Harvest to make fresh produce available at discounted prices in areas in which such access is otherwise limited. The Mayor also commented on the Maryland Municipal League's continued efforts to attain full restoration of Highway User Revenues to municipalities and encouraged those listening to contact representatives in Annapolis in support of those efforts.
- VIII. During Aldermanic comments, Alderman Russell announced an upcoming event to benefit Heartly House honoring former City of Frederick Chief of Police Kim Dine.  
  
There were no additional Aldermanic comments.
- IX. Public comments were received.
- X. Consent Agenda
  - A. Commission Recommendations

Item A.4 was pulled from the Consent Agenda at the request of Alderman MacShane.

On a motion made by Alderwoman Kuzemchak and seconded by Alderman Russell the Board approved 5-0 consent agenda items A.1, A.2, A.3, A.5, A.6 and A.7:

1. A request from Downtown Frederick Partnership to serve beer and wine at their 2018 Alive @5 events at the Carroll Creek Park Amphitheatre, pursuant to Section 6-19 of the City Code
2. A request from Downtown Frederick Partnership to serve beer and wine at their 2018 Movie Night events at the Carroll Creek Park Amphitheatre, pursuant to Section 6-19 of the City Code
3. A request from Downtown Frederick Partnership to serve beer and wine at their Craft Beer Garden event on October 6, 2018 at Carroll Creek Park Amphitheatre, pursuant to Section 6-19 of the City Code
5. A request from Celebrate Frederick, Inc. to serve beer and wine at their 2018 Frederick Wine Festival event on June 9, 2018 at Carroll Creek Park, pursuant to Section 6-19 of the City Code
6. A request from Celebrate Frederick, Inc. to serve beer and wine at their Frederick's 4th event on July 4, 2018, pursuant to Section 6-19 of the City Code
7. A request from the Brewers Association of Maryland to serve beer and wine at the Maryland Craft Beer Festival on May 12, 2018 at Carroll Creek Park, pursuant to Section 6-19 of the City Code

On a motion made by Alderman Russell and seconded by Alderman MacShane the Board approved 3-2, with Aldermen Russell, Wilson and MacShane in favor and Alderman Shackelford and Alderwoman Kuzemchak opposed, item A.4:

4. A request from Celebrate Frederick, Inc. to serve alcohol at their In the Street/Craft Beverage Experience/Up the Creek event on September 8, 2018 at Carroll Creek Park, pursuant to Section 6-19 of the City Code

Public comments were received.

#### B. Resolution

On a motion made by Alderwoman Kuzemchak and seconded by Alderman Shackelford the Board approved 5-0 consent agenda item B.1:

1. Resolution 18-01 for the continuation of the partnership with Child Care Choices/Frederick County Mental Health Association to co-sponsor and offer in-kind services for the 29<sup>th</sup> annual Children's Festival

C. Release of Sureties

On a motion made by Alderman Russell and seconded by Alderman Wilson the Board approved 5-0 consent agenda items C.1 – C.4:

1. Release of RLI Insurance Bond #CMS0269890 in the current amount of \$159,749.31 posted by Clover Ridge Investment, LLC to guarantee public improvements to Clover Ridge, Section 7, Phase 1 further described in PWA dated 01/22/14 and acceptance of Windom Way, Stations 11+17.64 to 17+00 and Windom Court, Stations 10+00 to 12+50 into the City's system
2. Release of RLI Insurance Bond #CMS0269882 in the current amount of \$130,124.00 posted by Clover Ridge Investment, LLC to guarantee public improvements to Clover Ridge, Section 7, Phase 2 further described in PWA dated 10/14/13 and acceptance of Windom Way, Stations 17+00 to 20+68.53 and Crestone Drive, Stations 10+00 to 14+08.77 into the City's system
3. Release of NGM Insurance Company Bond #S-207489 in the current amount of \$110,537.08 posted by Frederick Memorial Hospital to guarantee SEC/SWM and public improvements to Frederick Memorial Hospital Parking Garage Expansion further described in PWA dated 08/14/12
4. Release of Travelers Bond #106322421 in the amount of \$23,860.55 posted by ARCO national Construction Company to guarantee SEC and public improvements to Food Pro further described in PWA dated 10/01/15

XI. Public Hearing

1. On a motion made by Alderman Russell and seconded by Alderman Shackelford the Board approved 3-2, with Aldermen Russell, Shackelford and MacShane in favor and Alderman Wilson and Alderwoman Kuzemchak opposed, waiver of park rental fees for six of 21 events in the Downtown Frederick Partnership 2018 Alive @ 5 happy hour concert series at the Carroll Creek Park Amphitheatre per Section 6-13 of the City Code, finding that the event provides benefit to the public and to the City by providing public entertainment, encouraging tourism and spending downtown and generating tax revenue while creating no impediment to the use of Carroll Creek Park by the general public during the event. There were no public comments.
2. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Wilson the Board approved 5-0 waiver of park rental fees for all five Downtown Frederick Partnership Movie Night on the Creek events at the Carroll Creek Park

Amphitheatre per Section 6-13, finding that the events are good for the City as a whole and for the economy of downtown and are great for children. There were no public comments.

3. On a motion made by Alderman Russell and seconded by Alderman Wilson the Board approved 3-2, with Aldermen Russell, Wilson and MacShane in favor and Alderman Shackelford and Alderwoman Kuzemchak opposed, waiver of park rental fees for Downtown Frederick Partnership's 2018 February First Saturday – Fire in Ice event at the Carroll Creek Park Amphitheatre on February 3, 2018 per Section 6-13 of the City Code, finding that there are benefits to the general public as there will be public entertainment, the event encourages tourism, encourages spending, generates tax revenue, is being conducted in partnership with the Frederick Police Department fundraising for Maryland Special Olympics and there is no impact on fairness to the general public. There were no public comments.
4. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Wilson the Board approved 5-0 waiver of park rental fees for Celebrate Frederick, Inc.'s In the Street/Craft Beverage Experience/Up the Creek Party events on September 8, 2108 at the Carroll Creek Park Amphitheatre per Section 6-13 of the City Code, finding that Celebrate Frederick provides many different events for City residents to enjoy, including this event. There were no public comments.
5. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Wilson the Board approved 5-0 waiver of park rental fees for Celebrate Frederick Inc.'s Frederick Wine Festival event on June 9, 2018 at Carroll Creek Park Amphitheatre per Section 6-13 of the City Code finding that Celebrate Frederick provides many activities that offer the Frederick community a shared cultural experience. There were no public comments.
6. On a motion made by Alderman Russell and seconded by Alderman Shackelford the Board approved 5-0 waiver of park rental fees in accordance with Section 6-13 of the City Code for Celebrate Frederick, Inc. for Carroll Creek and Baker Parks for the following events:
  - Summer Concert Series
  - Summerfest Family Theatre
  - Frederick's 4<sup>th</sup>
  - Scents & Sweets Competition and Auction
  - Candlelight House Tour
  - Kris Kringle Procession

The Board found that there are multiple public benefits and no impact on fairness to other users. There were no public comments.

7. On a motion made by Alderman Wilson and seconded by Alderman Shackelford the Board approved 5-0 a Memorandum of Understanding with Maryland Department of Natural Resources for Emerald Ash Borer Treatment Program. Public comments were received.
8. Alderman Russell moved to approve an Agreement with Proffitt and Associates Architects in the not-to-exceed amount of \$77,519.86 and issuance of a purchase order in the amount of \$115,719.86 for design services associated with the Nymeo Field at Harry Grove Stadium Maintenance Storage Building (CIP 450102) in accordance with RFP 18-D. The motion failed for lack of a second. No action was taken. There were no public comments.
9. On a motion made by Alderman MacShane and seconded by Alderman Wilson the Board approved 5-0 a request by the developer of East of Market, Phase 2 to allow water and sanitary sewer services to be connected to the existing system in the adjacent East of Market development, with the condition that a covenant be provided in the deed of Lot 2, East of Market, Phase 2 stating that if either lot is sold or conveyed independently and the two lots no longer function as a single multifamily complex, separate water and sanitary sewer services shall be established for Lot 2, East of Market, Phase 2 and connected to the public mains in East Street in accordance with 16-14(b)(4) of the City Code. Shane Pollin, Director of Development for the applicant, Duffie Companies, provided additional information. There were no public comments.

The Mayor called a 10 minute recess at 9:00 p.m. The meeting resumed at 9:10 p.m.

10. The Board considered a resolution concerning the waiver of parkland dedication requirements for East of Market, Phase 2 in accordance with Section 608(a) of the Land Management Code. Alderwoman Kuzemchak moved to deny the waiver. The motion was seconded by Alderman Shackelford and approved 3-2, with Aldermen Wilson, Shackelford and Alderwoman Kuzemchak in favor and Aldermen Russell and MacShane opposed. Additional information was provided by Shane Pollin, Director of Development for the applicant, Duffie Companies, and Andrew DePasquale, attorney for the applicant. Public comments were received. The action of the Board was vetoed by Mayor O'Connor.
11. On a motion made by Alderman Russell and seconded by Alderwoman Kuzemchak the Board approved 5-0 a request to plant forest and establish conservation easements on land that will be dedicated to the City as public parkland in conjunction with the Renn Mixed Use development project in accordance with Section 608(e) of the Land Management code. Chris Smariga

of Harris Smariga represented the applicant. There were no public comments.

- XII. On a motion made by Alderman Russell and seconded by Alderman Wilson the Board approved 5-0 the appointment of Seth Pollack to the Parks and Recreation Commission for a three-year term of February 2, 2018 to February 1, 2021.

On a motion made by Alderwoman Kuzemchak and seconded by Alderman Shackelford the Board approved the appointments of Louis Dewey Stewart and Norvis J. Long-Parker to the Public Art Commission, each for a three-year term of February 2, 2018 to February 1, 2021.

On a motion made by Alderwoman Kuzemchak and seconded by Alderman Wilson the Board approved 5-0 the reappointment of Cornelius R. Fay to the Ethics Commission for a three-year term of March 20, 2018 to March 19, 2021.

On a motion made by Alderman Wilson and seconded by Alderman Russell the Board approved 5-0 the reappointment of Chris May to the Personnel Board for a four-year term of February 6, 2018 to February 5, 2022.

On a motion made by Alderwoman Kuzemchak and seconded by Alderman Wilson the Board approved 5-0 the appointment of Diana Halleman to Neighborhood Advisory Council 5 Coordinator for a two-year term of February 2, 2018 to February 1, 2020.

On a motion made by Alderman MacShane and seconded by Alderwoman Kuzemchak the Board approved 5-0 the appointment of Eric Jones to Neighborhood Advisory Council 6 Coordinator for a two-year term of February 2, 2018 to February 1, 2020.

On a motion made by Alderman Wilson and seconded by Alderwoman Kuzemchak the Board approved 5-0 the appointment of Missy Connor to Neighborhood Advisory Council 7 Coordinator for a two-year term of February 2, 2018 to February 1, 2020.

- XIII. During aldermanic comments and new business, Alderman Wilson announced that the next day would be National Wear Red Day to recognize February as National Heart Month.
- XIV. The Mayor announced the City and Frederick County would be issuing a joint proclamation for Black History Month.
- XV. There were no committee reports.
- XVI. There was no Director's Report.
- XVII. Public comments were received.

There being no further official business, the meeting was adjourned at 10:29 p.m.

Respectfully submitted,

Phyllis Hane

Legislative Clerk